

(b) whether it is a fact that Ministry of Finance has also agreed to extend the benefit of above said court judgements to similarly placed employees of DPA of N.S.S.O.; and

(c) if so, what is the time-frame to implement the same?

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING, MINISTER OF STATE IN THE MINISTRY OF STATISTICS AND PROGRAMME IMPLEMENTATION AND MINISTER OF STATE OF THE DEPARTMENT OF ADMINISTRATIVE REFORMS AND PUBLIC GRIEVANCES IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE OF THE DEPARTMENT OF DISINVESTMENT (SHRI ARUN SHOURIE): (a) to (c) it has been decided by the Government that the benefit of the judgements delivered by the Hon'ble Supreme Court may be extended to all similarly placed EDP employees of the Data Processing Division, National Sample Survey Organisation. Orders in this regard have already been issued. This decision, however, will not apply to EDP officials appointed after 2.7.90. Decision on the revised scales to be granted to these officials will depend on the decision of the Government on the order of the Principal Bench of Central Administrative Tribunal in New Delhi, in OA No. 125/2000 in Sharad Srivastava and Others Vs. UOI.

DR. A. K. PATEL: Sir, I am satisfied with the answer. So, I have no supplementary to put.

\*266. *[The Questioner (Prof. R.B.S. Varma) was absent. For answer vide page 27 infra]*

#### **Discussion with US Authorities on Fighting Cyber Crimes**

\*267. SHRI NAGENDRA NATH OJHA:

SHRI J. CHITHARANJAN†

Will the Minister of INFORMATION TECHNOLOGY be pleased to state:

(a) whether he had discussed the issue of fighting cyber crimes with the US authorities during his visit to United States, recently; and

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† The question was actually asked on the floor of the House by Shri I. Chitharanjan.

(b) if so, the details and the outcome thereof?

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF INFORMATION TECHNOLOGY (SHRI PRAMOD MAHAJAN): (a) and (b) The Indian delegation led by me had visited the Headquarters of the Federal Bureau of Investigation at Washington, USA. The visit was primarily intended to obtain a first hand knowledge about the measures taken by the US Government to handle cyber crimes.

SHRI J. CHITHARANJAN: Will the hon. Minister give some more details about this understanding?

SHRI PRAMOD MAHAJAN: Sir, I had been to the US in May end. Cyber crimes are a new type of crimes that are likely to be there in the economy. We thought it fit to visit the headquarters of the FBI and try to understand what kind of measures they are taking to fight cyber crimes. The FBI officers made a presentation before us—it was a long presentation, for about one-and-a-half hours—giving us the measures they had taken. Based on that, we are trying to educate the Central and the State Government law enforcement agencies to fight cyber crimes.

**श्री एस.एस. अहलुवालिया:** सभापति महोदय, यह नयी तकनीक है और इसके बारे में कहीं किसी भी देश के क्रिमिनल ज्युरिस्टिक्शन में या वहां के ऐविडेंस ऐक्ट में ऐसा प्रावधान नहीं है कि जो साईबर क्राइम्स किए जाएंगे, वे कैसे पकड़े जाएंगे। उसके डिटेक्शन के लिए जिस ऐविडेंस की जरूरत है, जिस टेक्नोलोजी की जरूरत है, वह भारत में भारत के वैज्ञानिकों और भारत के कंप्यूटर विशेषज्ञों के पास उपलब्ध है। क्या मंत्री महोदय भारत के ही विशेषज्ञों के माध्यम से साईबर क्राइम्स को डिटेक्ट करने के लिए कोई कार्यवाही कर रहे हैं जिसके माध्यम से एक नया ड्राफ्ट बन सके और हम उसका ऐविडेंस या उसको डिटेक्ट करने की पद्धति सारे विश्व के सामने रख सकें?

**श्री प्रमोद महाजन:** सभापति महोदय, साईबर क्राइम्स के साथ लड़ने के लिए भारत ने आई.टी. ऐक्ट बनाया है। We are now part of those one dozen countries which have made such a kind of law. If the Indian scientists have this knowledge, I will take the suggestion into consideration. Definitely, we will try to find out what the Indian industry can supply us in fighting the cyber crimes.

**श्री नरेन्द्र मोहन:** सभापति महोदय, साईबर क्राईम्स को डील करने के लिए यह आवश्यक समझा जा रहा है कि जो ऐक्ट बनाया गया है, वह पर्याप्त नहीं है, ऐसी मेरी जानकारी है। मैं यह जानना चाहता हूँ कि क्या ऐविडेंस ऐक्ट और इंडियन पीनल कोड तथा सी.आर.पी.सी. में भी कुछ परिवर्तन करने का विचार मंत्री जी के मन में है? क्या उस दिशा में कुछ प्रयास हुए हैं।

**श्री प्रमोद महाजन:** सभापति महोदय, यह कानून 17 मई को बना है और अभी इसका नोटिफिकेशन होना बाकी है। अभी इसके रूल्स बने हैं और 15 अगस्त को हम आई.टी. ऐक्ट के रूल्स इंटरनेट पर, वैबसाइट पर लोगों के लिए उपलब्ध करा रहे हैं। उसके पश्चात लोगों की उस पर जो राय होगी, उसके आधार पर निर्णय लेकर हम इसका नोटिफिकेशन करेंगे। जैसा मैंने कहा कि यह कानून अभी-अभी बना है और इसके रूल्स हम 15 अगस्त को जनता की चर्चा और प्रतिक्रियाओं के लिए उनके समक्ष रखेंगे। उसके बाद उसका नोटिफिकेशन किया जाएगा। ऐसी स्थिति में जब कि पहले बना हुआ कानून अभी लागू नहीं हुआ है, कोई नया कानून बनाने या उसमें परिवर्तन करने का कोई विचार नहीं है।

**श्री नरेन्द्र मोहन:** मैं नये कानून की बात नहीं कर रहा हूँ। मैं यह जानना चाहता हूँ कि क्या इंडियन पीनल कोड और ऐविडेंस ऐक्ट में परिवर्तन करने का आपका कोई विचार है।

SHRI PRAMOD MAHAJAN: That is already a part of the IPC.

SHRI HANSRAJ BHARDWAJ: Sir, I am very happy that the hon. Minister had been to the United States. It is good that we have this law, but I would like to tell the hon. Minister about the ramifications of the cyber crimes. These are threefold. The cyber technology is used not only to commit frauds and economic crimes, it is also used for money laundering and narco-terrorism. Therefore, it is very necessary that the Government not only enacts this law, but also set out procedures to detect the crimes and criminals. Further on, the most difficult task is to prove the crime. Our law of evidence was framed in 1870 by Macaulay. At that time they could not simply conceive this type of a situation arising. Because of that I asked the Home Minister the other day whether he was ready with the antiterrorism law. Unfortunately his reply was most disappointing. I do not think the Hon. Minister will disappoint us. The law will be unless you find out ways to detect the crime and prove it. Today, there is

nothing in this Act which can help in detecting and proving the crime. Therefore, kindly appoint a committee to look into this. It is good that you are consulting America and other countries in this regard, but these things will not help because now the information is being pooled. We find this when we go to international conferences. It is not only that economic fraud is being committed, but millions and millions of rupees are being transferred from one part of the world to another within one day through this crime. So, considering the wide implications and ramifications, I would like to say that if you want to make this law a success, kindly appoint a team of experts in India and let them gather the information. Shri Narendra Mohan has said a very pertinent thing: appoint a committee. Nothing is being done in the Home Ministry. I am very sorry, we are suffering because we do not have any suitable law to fight terrorism, to fight cyber crimes and drug-related crimes. I framed the law to fight the narco-drugs within one day when the American Attorney-General came to India and expressed his concern. Why are you not doing it? Please do it swiftly. Otherwise, laws are meaningless and you may remain happy only with yourself.

SHRI PRAMOD MAHAJAN: Sir Cyber Crimes are different from traditional crimes on three counts. First, there is anonymity. It is very difficult to detect who is committing the crime. Second, as the hon. Member has rightly said, the speed is phenomenal. The money-laundering can go to hundred countries within a few minutes. Thirdly, it is a global crime which does not respect your national boundaries, visas and passports. The challenges are also technological, operational and legal. So, it is not true that the Government is not seized of this matter. Even in the Ministry of Home Affairs, we are creating a special cell to deal with cyber crimes. In the recent Chief Ministers' Conference, I had personally made a presentation before the Chief Ministers about the nature of the crimes, about the challenges which we face. I also take the suggestion made by the hon. Member positively, to have some kind

of a committee to examine what more can be done. At the same time, I would request everybody to propagate cyber ethics in this country so that people can understand what kind of challenges and changes we are likely to face. So, we will definitely examine this. But I don't agree with the remark that the Government or the Home Ministry was not seized of the problem.

MR. CHAIRMAN: Question Hour is over....(*Interruptions*)... Question Hour is over... (*Interruptions*)... Question Hour is over....(*Interruptions*)...Question Hour is over.

### WRITTEN ANSWERS TO STARRED QUESTIONS

#### Lifting of Ceiling on Bonus

\*264. SHRI DIPANKAR MUKHERJEE: Will the Minister of LABOUR be pleased to refer to answer to Unstarred Question 2352 given in the Rajya Sabha on 16th March, 2000, and state:

(a) whether eleven MPs had submitted a memorandum on 3rd August, 1998, to amend the existing Bonus Act for abolition of ceiling on eligibility and computation;

(b) whether the issue has been raised time and again by all the Trade Unions;

(c) whether Government is not taking action on the above demand under the pressure of employees; and

(d) if not, the reasons for the inordinate delay in responding to a genuine demand by the Trade Unions?

THE MINISTER OF LABOUR (DR. SATYANARAYAN JATIYA):

(a) Yes Sir.

(b) to (d) The Trade Unions have been demanding from time to time that eligibility limit and calculation ceiling under the Payment of Bonus Act, 1965 should be removed. The Government is seized of their demands.